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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,171	06/08/1999	BRENT K. PARRISH	062891.0284	6443

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09/10/2002

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EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/328,171

Applicant(s)

PARRISH ET AL.

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-16, 18-24, 27-35, 38-42 and 44 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 17, 25, 26, 36, 37 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The serial number of related applications (U.S. Application No. 09/____) on pages 1, 2, 9, 10, 20, and 21 needs to be insert.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 7, 15, 21, 23, 29, 33, and 41 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 7, 15, 21, 23, 29, 33, and 41 recites the limitation "the group" on lines 2-3. There is insufficient antecedent basis for this limitation in the claim because it does not refer to any previous elements.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 3-6, 8, 9, 13, 15, 16, 19, 21, 22, 24, 27, 29-32, 34, 35, 39, 41, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Acampora et al (U.S. Patent 4,593,282).

Regarding to claims 1, 8, 13, 27, 34, and 39, Acampora discloses a telecommunications device (Fig. 1), comprising a local area network (col. 1 lines 15-19) and senders and receivers (101, 102...N) coupled to the network (implicitly) that's operable to generate a message packet 500 (Fig. 5 col. 6 lines 47-58) comprising an arbitration code (header) 511 and a data packet 510. The sender operable to communicate a first value (most significant bit) of the arbitration code using the network and determine a network value (col. 7 lines 16-20). The sender compares the first value with the network value to determine whether the sender may communicate the data packet using the network (col. 7 lines 20-32).

Regarding to claims 3, 15, 21, 29, and 41, Acampora discloses a network protocol (read on IP, TCP, and UDP) is use for transmission of packets (col. 1 lines 10-15).

Regarding to claims 4 and 30, Acampora discloses the arbitration code 511 comprises a message priority code and a sender address (Fig. 5 col. 6 lines 54-68).

Regarding to claims 5, 22, and 31, Acampora discloses the sender is operable to determine that it may not communicate the data packet if the first value does not match the network value (col. 7 lines 20-24).

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Regarding to claims 6 and 32, Acampora discloses the sender is further operable to communicate a second value of the arbitration code using the network if the first value matches the network value (col. 9 lines 20-23).

Regarding to claims 9, 16, 24, 35, and 42, Acampora discloses the message packet (Fig.5) further comprises a destination code 512, the sender operable to communicate the data packet to one or more receivers as a point-to-point, multi-cast, or broadcast message according to the destination code (col. 1 lines 35-38).

Regarding to claim 19, Acampora discloses a message packet (Fig. 5) for communication using a local area network within a telecommunications device, comprising a data packet 510 and an arbitration code 511 comprising a message priority code and a sender address (col. 6 lines 47-58), a first value of the arbitration code operable to be communicated using the network and to be compared with a network value to determine whether the sender may communicate the data packet to the receiver using the network (col. 7 lines 16-32).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 14, 20, 28, and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora in view of Ilyadis et al (U.S. Patent 5,898,694).

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Regarding to claims 2, 14, 20, 28, and 40, Acampora discloses all the limitation with respect to independent claims 1, 13, 19, 27, and 39, except for the device is a switching unit further comprising a backplane and the network comprises a control bus.

However, Ilyadis discloses a device for arbitration includes a switch with a backplane and control bus (Fig. 2 col. 3 lines 8-59).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of invention, to includes the device as taught by Ilyadis in Acampora's system since it is well know in the art backplane and bus are common components of switches.

Allowable Subject Matter

8. Claims 7, 10-12, 17, 18, 23, 25, 26, 33, 36-38, 43, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

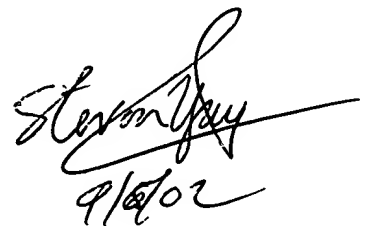
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD
September 6, 2002



Steven Jay
9/6/02